

107TH CONGRESS
2D SESSION

S. 2653

To reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2002

Mr. SANTORUM (for himself and Mr. MILLER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To reduce the amount of paperwork for special education teachers, to make mediation mandatory for all legal disputes related to individualized education programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Teacher Paperwork
5 Reduction Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The amount of paperwork special education
2 teachers are required to complete is burdensome,
3 takes valuable time away from the classroom, and
4 undermines the goal of providing the best quality
5 education possible to all children.

6 (2) Special education teachers spend an average
7 of 5 hours per week on paperwork, compared to gen-
8 eral education teachers who spend an average of 2
9 hours per week on paperwork.

10 (3) The average length of an individualized edu-
11 cation program (referred to in this Act as an
12 “IEP”), 1 of the biggest sources of paperwork, is
13 between 8 and 16 pages.

14 (4) More than 60 percent of special education
15 teachers spend between $\frac{1}{2}$ to $1\frac{1}{2}$ days a week com-
16 pleting paperwork, according to a survey by the
17 Council for Exceptional Children conducted in 2000.
18 Though special education teachers believe IEPs are
19 essential to providing quality instruction to students
20 with disabilities, they say IEPs need to be stream-
21 lined and more relevant to their students’ edu-
22 cational needs.

23 (5) 83 percent of special education teachers re-
24 port spending from $\frac{1}{2}$ to $1\frac{1}{2}$ days each week in
25 IEP-related meetings, and special education teachers

1 estimate they spend 4 hours planning before each
 2 IEP meeting, according to the Council for Excep-
 3 tional Children.

4 (6) 14 percent of special education teachers
 5 spend 1 hour or less per week on paperwork while
 6 24 percent spend 1.5 to 3 hours and 8 percent
 7 spend 14 hours or more on paperwork.

8 (7) 53 percent of special education teachers re-
 9 port that, to a great extent, their routine duties and
 10 paperwork interfere with their interaction with their
 11 students.

12 (8) The causes of burdensome paperwork for
 13 special education teachers include—

14 (A) Federal regulations;

15 (B) misconceptions at State and local lev-
 16 els regarding Federal regulations, resulting in
 17 additional State and local requirements; and

18 (C) litigation and the threat of litigation.

19 (9) The benefits of mediation as an alternative
 20 to lawsuits for special education disputes are the fol-
 21 lowing:

22 (A) Mediation can be a more constructive
 23 option for special education children, parents,
 24 and teachers because it allows families to main-
 25 tain a positive relationship with teachers and

1 service providers and parents have the benefit
 2 of working together with educators and service
 3 providers as partners instead of as adversaries.

4 (B) Parents and children, most likely, will
 5 have their concerns addressed much more
 6 quickly through mediation than through litiga-
 7 tion.

8 (C) Mediation is a much less costly alter-
 9 native for families and school districts.

10 (D) Mediation often results in agreements
 11 with which both parties are satisfied and the
 12 parties tend to carry out the terms of the
 13 agreement, for example, in Pennsylvania, 85
 14 percent of special education mediations end in
 15 agreement.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) DEPARTMENT.—The term “Department”
 19 means the Department of Education.

20 (2) ELEMENTARY SCHOOL.—The term “elemen-
 21 tary school” has the meaning given the term in sec-
 22 tion 9101 of the Elementary and Secondary Edu-
 23 cation Act of 1965 (20 U.S.C. 7801).

24 (3) INDIVIDUALIZED EDUCATION PROGRAM.—
 25 The term “individualized education program” has

1 the meaning given the term in section 602 of the In-
 2 dividuals with Disabilities Education Act (20 U.S.C.
 3 1401).

4 (4) LOCAL EDUCATIONAL AGENCY.—The term
 5 “local educational agency” has the meaning given
 6 the term in section 9101 of the Elementary and Sec-
 7 ondary Education Act of 1965 (20 U.S.C. 7801).

8 (5) SECONDARY SCHOOL.—The term “sec-
 9 ondary school” has the meaning given the term in
 10 section 9101 of the Elementary and Secondary Edu-
 11 cation Act of 1965 (20 U.S.C. 7801).

12 (6) STATE EDUCATIONAL AGENCY.—The term
 13 “State educational agency” has the meaning given
 14 the term in section 9101 of the Elementary and Sec-
 15 ondary Education Act of 1965 (20 U.S.C. 7801).

16 **SEC. 4. PAPERWORK REDUCTION.**

17 (a) GAO STUDY AND REPORT.—

18 (1) STUDY.—

19 (A) IN GENERAL.—The Comptroller Gen-
 20 eral shall conduct a study on the paperwork
 21 burden on special education teachers.

22 (B) CAUSATION.—In the study conducted
 23 under subparagraph (A), the Comptroller Gen-
 24 eral shall—

25 (i) determine—

1 (I) how much of the paperwork
2 burden on special education teachers
3 is caused by Federal regulations com-
4 pared to State and local regulations;

5 (II) the number of mediations
6 that have been conducted since medi-
7 ations were required to be made avail-
8 able under the Individuals with Dis-
9 abilities Education Act Amendments
10 of 1997; and

11 (III) the amount of money that
12 State educational agencies and local
13 educational agencies have saved as a
14 result of participating in mediations
15 under the Individuals with Disabilities
16 Education Act (20 U.S.C. 1400 et
17 seq.) for special education disputes as
18 opposed to engaging in litigation; and
19 (ii) examine—

20 (I) the impact the Individuals
21 with Disabilities Education Act
22 Amendments of 1997 have had on the
23 paperwork burden on special edu-
24 cation teachers;

1 (II) streamlining IEP forms and
2 regulations; and
3 (III) the use of technology in re-
4 ducing the paperwork burden on spe-
5 cial education teachers.

6 (2) REPORT.—

7 (A) SUBMISSION.—Not later than 180
8 days after the date of enactment of this Act,
9 the Comptroller General shall submit a report
10 to Congress on the study conducted under para-
11 graph (1).

12 (B) CONTENTS.—The report submitted
13 under subparagraph (A) shall include
14 recommendations—

15 (i) on steps that Congress, the De-
16 partment, State educational agencies, and
17 local educational agencies could take to
18 comply with the requirement of subsection
19 (b); and

20 (ii) on the use of technology in reduc-
21 ing the paperwork burden on special edu-
22 cation teachers.

23 (b) REDUCTION.—

24 (1) REQUIRED REDUCTIONS.—Not later than
25 18 months after the date of enactment of this Act,

the Department, in cooperation with each State educational agency and local educational agency that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), shall reduce the amount of paperwork that such entities require special education teachers to complete by not less than a net 50 percent.

(2) REDUCTION GOALS.—The Department and each State educational agency and local educational agency that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) or the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) are encouraged to reduce the amount of paperwork that such entities require special education teachers to complete by more than a net 50 percent.

SEC. 5. MANDATORY MEDIATION.

(a) MEDIATION.—The Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended—

(1) in section 615(e)—

(A) in paragraph (1)—

(i) by striking “allow” and inserting “require”; and

1 (ii) by striking “process” and all that
 2 follows and inserting “process.”; and

3 (B) in paragraph (2)—

4 (i) in subparagraph (A)(i), by striking
 5 “voluntary” and inserting “mandatory”;

6 (ii) by striking subparagraph (B);

7 (iii) by redesignating subparagraphs
 8 (C) through (G) as subparagraphs (B)
 9 through (F), respectively; and

10 (iv) in subparagraph (C), as redesign-
 11 nated by clause (iii), by striking “process,”
 12 and all that follows and inserting “proc-
 13 ess.”; and

14 (2) in section 682(b)(5), by striking “, con-
 15 sistent with subparagraphs (B) and (D) of section
 16 615(e)(2),”.

17 (b) **EFFECTIVE DATE.**—The amendments made by
 18 this section shall take effect 1 year after the date of enact-
 19 ment of this Act.

20 **SEC. 6. FUNDING.**

21 From funds appropriated for part D of the Individ-
 22 uals with Disabilities Education Act (20 U.S.C. 1451 et
 23 seq.), the Department shall award grants—

24 (1) to conduct research to determine best prac-
 25 tices for successful mediation, including training

1 practices, that can help contribute to the effort to
2 reduce paperwork, improve student outcomes, and
3 free up teacher resources for teaching; and
4 (2) to provide mediation training support serv-
5 ices.

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